



City of Seattle

---

Gregory J. Nickels, Mayor  
**Department of Planning and Development**  
D.M. Sugimura, Director

**CITY OF SEATTLE  
ANALYSIS AND DECISION OF THE DIRECTOR  
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

**Application Number:** 2407428

**Applicant Name:** Terry Beals for Central Puget Sound Regional Transit Authority  
("Sound Transit")

**Address of Proposal:** 919 Pine Street

**SUMMARY OF PROPOSED ACTION**

Master Use Permit for future installation of an above ground emergency ventilation shaft and exit stairwell accessory to Sound Transit light rail system. An Environmental Impact Statement (EIS) was prepared by Sound Transit (issued November 1999).

The following approvals are required:

**Essential Public Facilities (light rail transit facilities)**

- Seattle Municipal Code (SMC) Section 23.80.004.

**SEPA - for conditioning only**

- Seattle Municipal Code (SMC) Chapter 25.05.

**SEPA DETERMINATION:** ☐ Exempt ☐ DNS ☐ MDNS ☒ EIS\*

☐ DNS with conditions

☐ DNS involving non-exempt grading, or demolition or  
another agency with jurisdiction.

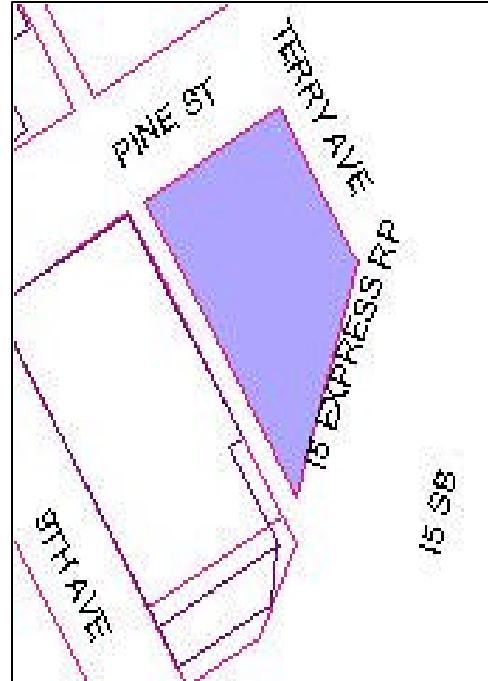
---

\* Final Environmental Impact Statement issued by Central Puget Sound Regional Transit Authority in November 1999. An addendum was issued November 16, 2001.

## **BACKGROUND DATA**

### **Site and Vicinity Description**

The development site encompasses a land area of approximately 19,695 square feet, along the eastern edge of Downtown Seattle. The site is irregular in shape that has approximately 119 lineal feet of frontage along Pine Street, 117 feet along Terry, 162 feet along Interstate 5 and 227 feet along an alley to the west of the site. The site is currently being used as a temporary staging area for Sound Transit's (Central Link Light Rail) "Convention Place Station." The site moderately slopes downward from the southeast corner to the northwest corner, approximately 14 feet over a distance of 160 feet. Activities at the development site currently include storage and operation of heavy equipment, staging construction materials, and shoring for an open pit. The site is secured with perimeter fencing and gates to control access. Vehicle access to the development site is limited to Pine Street. The site does not contain any mapped or observed Environmentally Critical Areas (ECAs).



The Pine Street Vent Shaft development site is located in a Downtown Office Core Two zone with a 300 foot height limit (DOC2-300). The site is located along the southern edge of an expansive DOC2-300 zone to the north and west. Across the center line of Boren Avenue to the northeast is a Downtown Office Core Two zone with a 240 foot height limit (DOC2-240), to the southeast across Interstate Five (I-5) is Neighborhood Commercial 3 with an 85 foot height limit (NC3-85). The area zones are all located within the Denny Triangle Urban Center Village. Commercial development within the vicinity includes the Paramount Theater (911 Pine Street), a historic landmark building, located across the alley to the west of the development site. The Paramount Theater stages a number of traveling theatrical productions and concerts throughout the year. Convention Place Station, which includes Metro and Sound Transit bus service, is located immediately to the north across Pine Street.

Other development in the vicinity consists of a mix of hotels, high-rise apartments, office buildings, and surface parking lots in this area of the Denny Triangle Urban Center Village. The streets surrounding the development site are fully improved and active with both vehicle and pedestrian traffic in this Downtown core area.

## **PROJECT DESCRIPTION**

The subject proposal is an element of Sound Transit's Central Link light Rail C510/C530 segment located on the south side of Pine Street between 9<sup>th</sup> Avenue and Terry Avenue. The construction of the Pine Street Vent Shaft is a significant component of retrofitting the

Downtown Seattle Transit Tunnel (DSTT), including the Stub Tunnel. The project includes the installation of the ventilation system to convey air in and out of the transit tunnel below, and provides an emergency exit to the surface. The Vent Shaft structure will be centrally located within 10 feet from the Pine Street right-of-way. The structure will feature two sections, one housing the ventilation shaft and the other the emergency stairwell. The maximum height will be approximately 18 feet above grade. The exterior walls will include colored tiles and glass blocks. The site will be landscaped with ground cover and shrubs less than three feet high. Three art sculptures will be featured in the landscaped area; the sculptures will range in height between 15-feet to 18-feet above grade. Full site improvements will not be completed until after the DSTT station is completed, because the area will remain as a temporary staging area used for the duration of construction of the C510 segment and the follow on Systems contracts, C802, C803, and C807, which is projected to extend approximately two and one half years. The Vent Shaft is proposed to be located on the site so that after tunnel construction is completed, the site can be developed with a structure that complies with the land use code and that incorporates the emergency stairwell and ventilation shaft into its design.

When construction is complete, the site will be fully landscaped.

**PUBLIC COMMENT:**

Date of Notice of Application:	February 03, 2005
Date End of Comment Period:	February 16, 2005 *
# Letters	0

Issues: No letters or comments were received for this project.

\*The public comment period originally initiated on January 27, 2005 and ended on February 09, 2005 but was revised to ensure proper public notice.

**ANALYSIS - ESSENTIAL PUBLIC FACILITIES**

Pursuant to SMC 23.80.004.A, the Director shall consider the following: Interjurisdictional Analysis; Financial Analysis; Special Purpose Districts; and Measures to Facilitate Siting. Furthermore, SMC 23.80.004.C states that the Director may approve and condition a light rail transit facility pursuant to Chapter 23.76, Master Use Permits and Council Land Use Decisions only if the alignment, transit station locations, and maintenance base location of the light rail transit system have been approved by the City Council by ordinance or resolution. Based on the information provided by the applicant and review of the proposal by the Land Use Planner, the following findings are made with respect to the criteria cited below:

*A1. "Interjurisdictional Analysis. A review to determine the extent to which an interjurisdictional approach may be appropriate, including consideration of possible alternative sites for the facility in other jurisdictions and an analysis of the extent to which the proposed facility is of a county- wide, regional or state-wide nature, and whether uniformity among jurisdictions should be considered."*

The subject proposal (Central Link Project) is a component of Sound Move, Sound Transit's 10-year program for regional high-capacity transportation that will connect the cities of Seattle, Tukwila, and SeaTac. Sound Move represents the region's preferred transportation strategy and is consistent with and implements applicable federal, state, and local requirements for transportation and land use/growth management planning.

Sound Transit represents a broad interjurisdictional approach addressing transportation demands in the greater Puget Sound area. Based on extensive studies and discussions among federal, state, and local agencies in the Central Puget Sound area, the Washington State Legislature enacted RCW Chapters 81.112 and 81.104, which created Sound Transit. Sound Transit is governed by a Board of Directors consisting of representatives of state and local jurisdictions in the three-county Central Puget Sound region. The Legislature specifically found that a regional, interjurisdictional approach to high capacity transit development was preferable to a multijurisdictional approach consisting of multiple local agencies. Implicit in the Legislature's creation of RCW Chapters 81.112 and 81.104 is a strong finding that the Central Link light rail system is of both a countywide and regional nature.

With concurrence from the region's voter in 1996, Sound Move, Sound Transit's interjurisdictional 10-year program for regional high-capacity transportation was adopted as the preferred method to address transportation planning. Sound Move includes the Central Link light rail line, consisting of a new light rail system that will extend through several local jurisdictions between SeaTac and North Seattle. As part of the development of Sound Move, and the preparation of the FEIS and other environmental documents pursuant to NEPA and SEPA for the Central Link light rail line, a wide range of alternative routes were considered before selecting the proposed route. To achieve its purpose, the light rail system was designed to align through densely populated portions of King County and Seattle. Siting the system in other jurisdictions would be inconsistent with the fundamental purpose of alleviating congestion along heavily populated transportation corridors and providing transportation alternatives for commuters. Implementation of the light rail element of the Sound Move plan would: expand transit capacity within the region's most dense and congested corridor; providing a practical alternative to driving a car on increasingly congested roadways; support comprehensive land use and transportation planning; provide environmental benefits; and improve mobility for travel-disadvantaged residents in the corridor.

*A2. "Financial Analysis. A review to determine if the financial impact upon the City of Seattle can be reduced or avoided by intergovernmental agreement."*

Sound Transit has provided documentation, including the Final Environmental Impact Statement (FEIS) and Financial Capacity Statement. Within the FEIS document economic impacts including potential financial impacts upon the City of Seattle were analyzed and were considered by the Federal Transit Administration prior to issuance of its Record of Decision, which included measures to mitigate potential impacts. The financial structure of Sound Transit includes a number of jurisdictions to alleviate financial burdens on any one governmental entity. The Central Link Light Rail Financial Capacity Statement provides analysis of revenues and expenditures for the completion of transit system between Downtown Seattle and South 154<sup>th</sup> Street (i.e., Initial

Segment). The City evaluated and approved the Financial Capacity Statement for the subject proposal.

*A3. "Special Purpose Districts. When the public facility is being proposed by a special purpose district, the City should consider the facility in the context of the district's overall plan and the extent to which the plan and facility are consistent with the Comprehensive Plan."*

The City has been involved on multiple levels in the planning and implementation of the Region's high capacity transit strategies. From the outset the City has been involved in the development of the Central Link light rail program. The City participated in preparation of the Sound Move plan and in the FEIS and was actively involved in the decisions regarding where to site the various segments of the Central Link project. As part of this planning for the Central Link project, the City Council has passed ordinances and resolutions to create synergism between the special purpose district and itself. The City's comprehensive plan directly supports the Project. Under the heading entitled Transit and Public Transportation, policy T-36 calls for the City to support the development of an integrated, regional transportation system that includes light rail. Specifically, Policy 39 encourages the City to work with Sound Transit to ensure design and alignments of the Link light rail system contributes positively to Seattle's civic identity among other policies.

*A4. "Measures to Facilitate Siting. The factors that make a particular facility difficult to site should be considered when a facility is proposed, and measures should be taken to facilitate siting of the facility in light of those factors (such as the availability of land, access to transportation, compatibility with neighboring uses, and the impact on the physical environment)."*

During the FEIS process the alignment of the Link light rail system was fully evaluated to determine the most efficient route, including topographic conditions, compatibility with existing uses, transportation corridors, among other considerations. As the project design plan phase moved into its final stage other considerations were weighed; proximity to existing infrastructures (utilities, etc.), access to right-of-ways, and structural impacts upon adjacent properties. The Sound Transit Board and Seattle City Council adequately considered the siting of the Vent Shaft. The City Council enacted Ordinance 121563 in 2004 to facilitate the siting of light rail transit facilities by authorizing the Director to waive or modify development standards in appropriate circumstances.

*B1. "Light rail transit facilities necessary to support the operation and maintenance of a light rail transit system are permitted in all zones within the City of Seattle."*

The proposed Pine Street Vent Shaft is located in a Downtown Office Core Two Zone, with a height limit of 300 feet (DOC2-300), and as such is permitted in that zone.

*B2. "The Director may approve a light rail transit facility pursuant to Chapter 23.76, Master Use Permits and Council Land Use Decisions only if the alignment, transit station locations, and maintenance base location of the light rail transit system have been approved by the City Council by ordinance or resolution."*

As was mentioned previously, the City participated in preparation of the Sound Move plan and in the environmental review for the Central Link Project. The City was actively involved in the decisions regarding where to site the various segments of the Central Link Project, including the Vent Shaft that is the subject of this application. The City Council adopted Resolution 30128, on April 10, 2000, which approved the light rail alignment and the locations of the light rail stations, and operations and maintenance base.

*B3. “When approving light rail transit facilities, the Director may impose reasonable conditions in order to lessen identified impacts on surrounding properties. A Master Use Permit is not required for the installation of tracks, below-grade facilities, minor alteration of light rail transit facilities involving no material expansion or change of use, and other minor new construction that, in the determination of the Director, is not likely to have significant adverse impacts on surrounding properties.”*

Construction of the above grade Vent Shaft is not expected to result in significant adverse impacts. The above grade structure will occupy approximately 8% (1,500 sq. ft.) of the development site, inclusive of the planting boxes and concrete pathways. The height of the proposed structure will be 18 feet or less above grade. The rest of the site features a hydro seeded lawn. No further conditions are anticipated to mitigate development.

*B4. “When approving light rail transit facilities, the Director may impose conditions to ensure consistency with the Seattle Design Guidelines for Central Link light rail to be developed by the City and Sound Transit.”*

The City of Seattle has developed design guidelines to address the Central Link light rail system. Specific Design Guidelines were not developed for the Vent Shaft. In turn, Sound Transit presented the subject proposal before the Seattle Light Rail Review Panel (LLRP) on June 17, 2003, October 21, 2003, and January 20, 2004, on related changes to the downtown Transit Tunnel and the location and design of the Vent Shaft structure. The LLRP made design recommendations to Sound Transit to better achieve a design that enhances Seattle’s civic identity. The LLRP was established in 1998 with the express purpose of providing an integrated review of the Sound Transit **Link light rail project** by the City’s Design, Planning, and Arts Commissions. The Panel is advisory to both Sound Transit and the City of Seattle. Its ultimate goal is to create a high quality light rail system for the City of Seattle and the region. During its January 20, 2004, meeting the LLRP commended Sound Transit for successfully incorporating its design recommendations and approved, with conditions, the Vent Shaft siting and Design, landscaping, and three sculptured art installations. Two conditions recommended by LLRP, incorporating artwork into the edge treatment along Pine Street and upon the structure’s façade housing the stairwell and ventilation system, shall be required.

*B5. The Director may waive or modify development standards applicable to a light rail transit facility if the applicant demonstrates that waiver or modification of a development standard:*

*a). is reasonably necessary to allow the siting or proper functioning of a light rail transit facility; or*

- b). will lessen the environmental impacts of a light rail transit facility on site or on surrounding properties; or*
- c). will accommodate future development that will comply with development standards better than if the development standard waiver or modification were not granted.*

The vent shaft and emergency exit stair is required by the National Fire Protection Association code, NFPA 130 (Fire). The vent shaft was originally to be located within the Terry Avenue right-of-way abutting the site but was relocated to the subject site at the request of the City of Seattle Fire Department. The alignment of the Vent Shaft is functionally related to the underground tunnel that requires expedient pedestrian evacuation in case of emergencies for users below. Another possible site location was explored across Pine Street at the Convention Place Station but was abandoned after King County Metro stated that it would not fit into their future development plans. The building housing the Vent Shaft will be designed to accommodate future private development if it were to occur at the subject site. The site will then be redeveloped at its highest and best use, while incorporating the required vent shaft and emergency exit stair within the development. Future development is anticipated to be in full compliance with zoning regulations.

As proposed, a waiver of or exemption pursuant to SMC 23.80.004.C.5 is requested from the following development standards:

- The street façade requirements of SMC 23.49.076B. On Terry Avenue the project exceeds the maximum setback area and width allowed by subsections a and b, and at the intersection of Pine Street and Terry Avenue the project exceeds the maximum setback allowed by subsection c. These façade requirements are exceeded because the project has been set back from both streets in order to better accommodate future development of the site. Pursuant to SMC 23.80.004.C.5.c these façade requirements may be waived because the project as proposed will accommodate future development better than if the development standard waiver were not granted;
- The façade transparency requirements of SMC 23.49.076.C.3.b, which requires that a minimum of 30 percent of the street level façade be transparent, and the blank façade limits of SMC 23.49.076D.3.a and c, which require that blank façades be no more than 30 feet wide and that the total of all blank façade segments not exceed 70 percent of the façade on each street frontage. The façade along Pine Street is 39 feet 9 inches wide, separated into a 22-foot 10-inch vent segment and 14-foot 10-inch emergency exit segment by a 2-foot 1-inch wide vertical strip of glass blocks. The facade consists of colored tiles plus a stainless steel sleeve extending above the vent shaft. Because the facility comprises an emergency ventilation shaft and emergency exit stairwell, the Seattle Fire Department has required solid rather than transparent walls in order to satisfy the fire rating requirements of NFPA 130. Pursuant to SMC 23.80.004.C.5.a, waiver of the transparency requirements and blank façade limits is reasonably necessary to allow the siting and proper functioning of the facility;
- The street tree requirements of SMC 23.49.076.F, which require street trees on all streets abutting a lot. Street trees are proposed for Pine Street but not for Terry Avenue. Deferring installation of street trees until future development of the lot will facilitate that future

development, and trees would only serve a limited purpose until future development takes place because Terry Avenue terminates at the I-5 right-of-way. Pursuant to SMC 23.80.004.C.5.c. waiver of the street tree requirement on Terry Avenue will accommodate future development that will comply with development standards better than if the waiver were not granted.

- The landscaping requirement of SMC 23.49.076.G.1.a for lots located within the Denny Triangle Urban Village, which requires that landscaped areas larger than 600 square feet include trees. The site includes a landscaped area of approximately 685 square feet but this area is proposed to include three sculptures instead of trees, as recommended by the LRRP. Such sculptures will create fewer security issues than trees, and will be easier to move when the site is developed in the future. Pursuant to SMC 23.80.04.C.5.c, the waiver of the requirement for trees within the landscaped area will accommodate future development that will comply with development standards better than if the waiver were not granted.

*B6. The Director may impose reasonable conditions on any waiver or modification of development standards to ensure consistency with design guidelines developed for the light rail system by the City and the applicant, and to lessen, to the extent feasible, environmental impacts of a light rail transit facility on site or on surrounding properties.*

The applicant shall be subject to the appropriate conditions enumerated in the associated MUP project number 2303928 (Permit No. 743754) and the Seattle Department of Transportation's Project Construction Permit (PCP) No. Y4495.

*B7. A master use permit for light rail transit facilities shall not be issued until the Director has received satisfactory evidence that the applicant has obtained sufficient funding (which might include a Full Funding Grant Agreement with a federal agency) to complete the work described in the master use permit application.*

The applicant has obtained sufficient funding, including a Full Funding Grant Agreement from the FTA, to complete the work described in this application. The City's Sound Transit Program Manager with the Seattle Department of Transportation (SDOT) reviewed the Financial Capacity Statement submitted by Sound Transit for the proposal. On December 14, 2004, the Program Manager confirmed that the Financial Capacity Statement meets applicable code criteria.

## **DECISION – ESSENTIAL PUBLIC FACILITIES**

The essential public facilities application request is **GRANTED** subject to the conditions noted at the end of this report.

## **ANALYSIS - SEPA**

Central Puget Sound Regional Transit Authority (Sound Transit) as lead agency has disclosed the environmental impacts of the proposed light rail project (including impacts associated with the Vent Shaft) in a Final Environmental Impact Statement (FEIS) issued in November of 1999. An addendum to the Final EIS for the Initial Segment was issued on November 16, 2001, and a



NEPA Environmental Assessment was issued on February 8, 2002, both of which evaluated a reduced rail alignment (from 21 miles to an initial 14 mile segment). The Director hereby incorporates by reference the FEIS and the Addendum to the FEIS. The addendum concludes that there has been no substantial change in impacts from those identified in the foregoing EIS materials. The information in the EIS, supplemental information provided by the applicant (plans, further project descriptions), and the experience of the lead agency with review of similar projects form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665) establishes the relationship among codes, policies, and environmental review. Specific policies for specific elements of the environment, certain neighborhood plans, and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority. The Overview Policy states in part: *"where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation"* (subject to some limitations).

Under certain limitations/circumstances (SMC 25.05.665 D 1-7) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is cited below.

#### Short-term Impacts

The following temporary or construction-related impacts are expected:

- decreased air quality due to suspended particulates from demolition and grading activities and hydrocarbon emissions from construction vehicles and equipment;
- potential soil erosion and potential disturbance to subsurface soils during grading, excavation, and general site work;
- increased traffic and demand for parking from construction equipment and personnel;
- conflicts with normal pedestrian and vehicular movement adjacent to the site; and
- increased noise.

Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically, these codes and ordinances are: Stormwater, Grading and Drainage Control Code (earth deposits from tunneling activity and soil erosion); Street Use Ordinance (watering streets to suppress dust, removal of debris, and obstruction of the pedestrian right-of-way); the Building Code (construction measures in general); and the Noise Ordinance (construction noise). Compliance with these applicable codes and ordinances will reduce or eliminate most of the short-term impacts to the environment. Other impacts may not be adequately mitigated by existing ordinances, as discussed below.

### Air Quality

There is no demolition associated with the installation the Vent Shaft. However, it is anticipated that during construction particles will be released from the subject site. The Puget Sound Clean Air Agency (PSCAA) regulations require control of fugitive dust to protect air quality. PSCAA, the Department of Labor and Industry, and the Environmental Protection Agency (EPA) regulations provide for the safe removal and disposal of dirt and debris that may be encountered during the loading and unloading of excavation materials at the site. Compliance with PSCAA regulations would mitigate any potential adverse short term impacts to air associated with activity related to the Vent Shaft. Conditions associated with the construction staging area (MUP #2303928) will still be in force and no further mitigation is required.

### Historic and Cultural Preservation

Construction of the Vent Shaft and related activities which include temporary construction staging area, increased noise, and truck traffic could impact the Paramount Theater which has been designated a historic landmark building within the City of Seattle. In accordance with the *Department of Planning and Development – Department of Neighborhoods Interdepartmental Agreement on Review of Historic Building during SEPA Review*; the planner referred approval to the Historic Preservation Officer. The Historic Preservation Officer evaluates criteria for development occurring adjacent to or across the street from landmark structures, in response to the SEPA Historic Preservation Policy (SMC 25.05.675.H.2.d). The impacts associated with the proposed project do not require further design mitigation, since the project will be incorporated within the structure that is eventually developed on the site.

### Traffic and Parking

Construction traffic would only minimally increase congestion in the area, and the area has adequate street access to accommodate any increased traffic. Parking for construction personnel would be available on the subject site and off site per Sound Transit's contractor specifications.

Therefore, no further mitigation for traffic and parking related impacts during construction is warranted pursuant to SEPA policies.

### Noise

Activity surrounding the construction of the Vent Shaft will meet the requirements of Seattle's Noise Control Ordinance (SMC Chapter 25.08). Unless noise variances are obtained, construction on the site will occur between the hours of 7 a.m. and 10 p.m. weekdays, and 9 a.m. and 10 p.m. on weekends, and noise levels would not exceed applicable construction noise limits during these times. In addition, pursuant to Sound Transit's compliance to the conditions contained within the two associated permits, MUP #2303928 and PCP No. Y4495, the contractor has prepared and submitted a Noise Control Plan and Noise Monitoring Plan for the City's approval. Throughout construction, the contractor is required to produce Weekly Noise Measurement Reports. If noise should exceed the levels of the City of Seattle Noise Ordinance, the Contractor will reduce those levels or terminate the construction activity responsible for the noise. Department of Planning and Development (DPD) continues to review components of the

Noise Control Plan and Noise Monitoring Plan to verify that Sound Transit is complying with the noise mitigation plan and that reasonable measures are taken to mitigate demolition and construction noise.

### Long-term Impacts

Long-term or use-related impacts are also anticipated from the proposal: increased surface water runoff from greater site coverage by impervious surfaces; increased bulk and scale on the site; increased demand on public services and utilities; increased light and glare; loss of vegetation; and increased energy consumption. These long-term impacts are not considered significant because the impacts are minor in scope.

The long-term impacts associated with structures of this scale will be mitigated by the City's adopted codes and/or ordinances. Specifically these are: Stormwater, Grading and Drainage Control Code (stormwater runoff from additional site coverage by impervious surface); Land Use Code (height; setbacks; parking); and the Seattle Energy Code (long-term energy consumption). Additional land use impacts which may result in the long-term are discussed below.

### Noise

The City's Noise Ordinance exempts noise resulting from emergency activities pursuant to SMC 25.08.530.A.2. Because operation of the Vent Shaft would be of a temporary, short-term nature occurring only in emergency situations, associated noise is exempted from applicable noise limits. Nonetheless, noise associated with emergency Vent Shaft operation will be mitigated by underground air baffles placed between the fan motors and the surface. With this mitigation, the sound level at the surface would be less than 78 dba. The ambient noise level on the site is currently 78 dba.

### CONCLUSION -SEPA

Applicable conditions of approval together with codes and development regulations applicable to this proposed project provide sufficient mitigation for most impacts identified in the adopted environmental documents. However, additional conditioning to mitigate short-term noise impacts is warranted pursuant to the SEPA Overview Policy (SMC 25.05.665).

The DEIS and FEIS, Addendum, and Environmental Assessment together with associated appendices and studies; the master use permit plans submitted on the project; and responses to requests for information all comprise DPD's public record. Conditions imposed pursuant to SEPA assume installation of mitigating devices, structures and measures noted in the above analysis. Pursuant to SMC 25.05.600.D.1, DPD relies on Sound Transit's FEIS in conditioning project approval.

### DECISION - SEPA

Environmental impacts for the proposal were identified and analyzed in the Final Environmental Impact Statement, Addendum, and Environmental Assessment issued by Sound Transit. DPD has the authority to mitigate impact pursuant to the city's SEPA practices. Therefore, the proposal is APPROVED subject to the conditions/mitigating measures noted at the conclusion of this report.

## **CONDITIONS – WAIVER OF DEVELOPMENT STANDARDS**

*The applicant (Sound Transit) shall:*

(Please see the e-mail from Lisa Rutick dated 7/26/05)

1. Revise site plan set to include location and profile of the three sculpture art pieces approved by LLRP.

## **CONDITIONS - SEPA**

*The applicant (Sound Transit) shall:*

### **Prior to Issuance of Construction Permit**

2. The owner(s) and/or responsible party(s) shall submit a copy to DPD of any required PSCAA Demolition Permit(s).

### **During Construction**

3. The applicant shall comply with the Noise Control Plan (As required in Link Light Rail Project Standard Specifications Section 01564-1.05) submitted to DPD, a copy of which is in the Master Use Permit file. The applicant shall submit to DPD upon request a list of the noise complaints received during construction of the vent shaft and Sound Transit's response to each complaint. The applicant shall mail the list to the attention of the undersigned DPD planner. DPD will review the list to verify that Sound Transit is complying with the noise mitigation plan and that reasonable measures are taken to mitigate demolition and construction noise.

### **For the Life of the Project**

4. Comply with all conditions and mitigating measures listed herein and described in the adopted FEIS for the proposal to the satisfaction of the City. For conditions which specify approval by a particular agency of the City or a State or Federal agency, that approval will constitute satisfactory compliance. Unless otherwise noted, DPD shall determine the issue of satisfactory compliance with conditions imposed under City authority.

Signature: \_\_\_\_\_ (signature on file) Date: August 4, 2005  
Bradley Wilburn, Land Use Planner

BW:bg

I:\wilburn\Sound Transit\2407428R.doc